



UNITED STATES PATENT AND TRADEMARK OFFICE

A
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,255	04/10/2004	David Todd Nay	SJO920030070US1	1765
45216	7590	09/27/2007	EXAMINER	
Kunzler & McKenzie 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			GABLER, PHILIP FRANCIS	
			ART UNIT	PAPER NUMBER
			3637	
			MAIL DATE	DELIVERY MODE
			09/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
SEP 27 2007
GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/822,255

Filing Date: April 10, 2004

Appellant(s): NAY ET AL.

Brian C. Kunzler
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9 August 2007 appealing from the Office action mailed 9 March 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6201690	Moore	3-2001
5388032	Gill	2-1995
5549374	Krivec	8-1996
6266236	Ku	7-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 6-8, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (US Patent Number 6201690) in view of Gill et al. (US Patent Number 5388032), Krivec (US Patent Number 5549374), and Ku et al. (US Patent Number 6266236). Moore (Figures 2 and 9-13) discloses a computer terminal bracket (23) rack mounted in a computer cabinet (13), said bracket being adjustably movable outward from the cabinet, wherein said bracket is configured to fold into a single horizontal plane, said bracket comprising: a first frame (35) horizontally movable with respect to the cabinet, whereby a distal edge of the first frame of the bracket is extendable outwardly from the computer cabinet; and a second frame (43) composed of two longitudinal frames (viewed as the longitudinal side members of 43) horizontally separated by two lateral frames (the upper and lower portions of 43 joining the

Art Unit: 3637

longitudinal frames), the longitudinal frames and lateral frames forming a horizontally disposed open rectangle (seen at the front of frame 43) with a first lateral frame connecting only to a proximal end (viewed as the lower side of the longitudinal frames) of each longitudinal frame, a second lateral frame connecting only to a distal end (viewed as the upper side of the longitudinal frames) of each longitudinal frame, and the first and second lateral frames not impinging on an open interior of the rectangle, wherein each longitudinal frame's longitudinal dimension is much greater than the longitudinal frame's latitudinal dimension, pivotally joined to the first frame at the distal edge (viewed as A in Exhibit 1) of the first frame, and including springs (see column 4 line 43) viewed as capable of restraining rotation; and a single terminal unit (41, 77, and associated components attached to 43) pivotally mounted to the second frame and comprising a keyboard holder (41) pivotally mounted to the second frame at a distal edge thereof (C), wherein the height of said keyboard holder is adjustable in a vertical direction; a keyboard (83) coupled to said keyboard holder; a display holder (77) pivotally mounted to the second frame at the distal edge thereof capable of allowing for angular adjustment of the keyboard holder and display holder, wherein an angle of said display holder is adjustable with respect to the cabinet and the keyboard holder, and a display (79) coupled to said display holder. Moore does not disclose friction hinges or specifics of his slides. However, it is well known in the art to use a wheel/rail arrangement as well as lubricious materials in slide construction. This is evidenced by Gill, who (Figure 4) discloses a wheel/rail arrangement and Krivec, who (column 3 lines 51-55) discloses the use of the lubricious material polytetrafluoroethylene (which is well

known to be capable of a coefficient of friction of less than 0.11) for rails. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a wheel/rail arrangement as well as a lubricious material in the construction of Moore's slides as taught by Gill and Krivec because of the smooth and easy sliding action such an arrangement would provide. Further, the use of friction hinges (including the use of springs) is well known as shown by Ku, who (Figures 1, 3, 15, and 23) discloses the use of friction hinges (72, 74) including friction brakes (76, etc.) capable of restraining rotation in a computer system. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use friction hinges in Moore's design as taught by Ku because of the smooth and simple operation such a hinge could provide.

(10) Response to Argument

Appellant's arguments submitted with his appeal brief of 9 August 2007 have been reviewed but are not considered persuasive. Essentially, Appellant argues that the cited prior art (namely Moore) does not disclose longitudinal and lateral frames forming a horizontally disposed open rectangle with a first lateral frame connected only to a proximal end of each longitudinal frame and a second lateral frame connected only to a distal end of each longitudinal frame, as well as arguing that the combination of references used in the rejection is improper. As set forth in the rejections and further explained below however, the prior art, properly combined under 35 USC 103, is viewed as disclosing all of the limitations of the claims.

Art Unit: 3637

Regarding the components of the second frame, Moore's second frame includes longitudinal and lateral frames as set forth above forming a horizontally disposed rectangle (at least in that the rectangle extends along a horizontal axis) where the lateral frames connect only to proximal and distal ends (the upper and lower sides) of the longitudinal frames respectively. For clarity, an annotated copy of Moore's Figure 9 is shown below. Note that the proximal and distal ends of the longitudinal frames are not the same as the proximal and distal edges of the second frame (B and C). The remaining claim limitations are satisfied by the combination of Moore, Gill, Krivec, and Ku as set forth above and summarized in the table below. This combination is considered valid as each of the secondary references is used to make only a slight modification to the Moore device. The secondary references all deal with the same problems as the various components of Moore's device (sliding rails, hinges, etc.) and one of ordinary skill in the art would find motivation for the associated modifications as explained in the rejections (better sliding rails, and more easily controlled hinges, etc.).

In summary, Appellant contends that the Moore reference fails to meet certain limitations set forth in the claims and that the combination of references presented is improper. As explained above, the examiner considers the combination valid and believes the Moore reference to disclose the various limitations of the claims as explained.

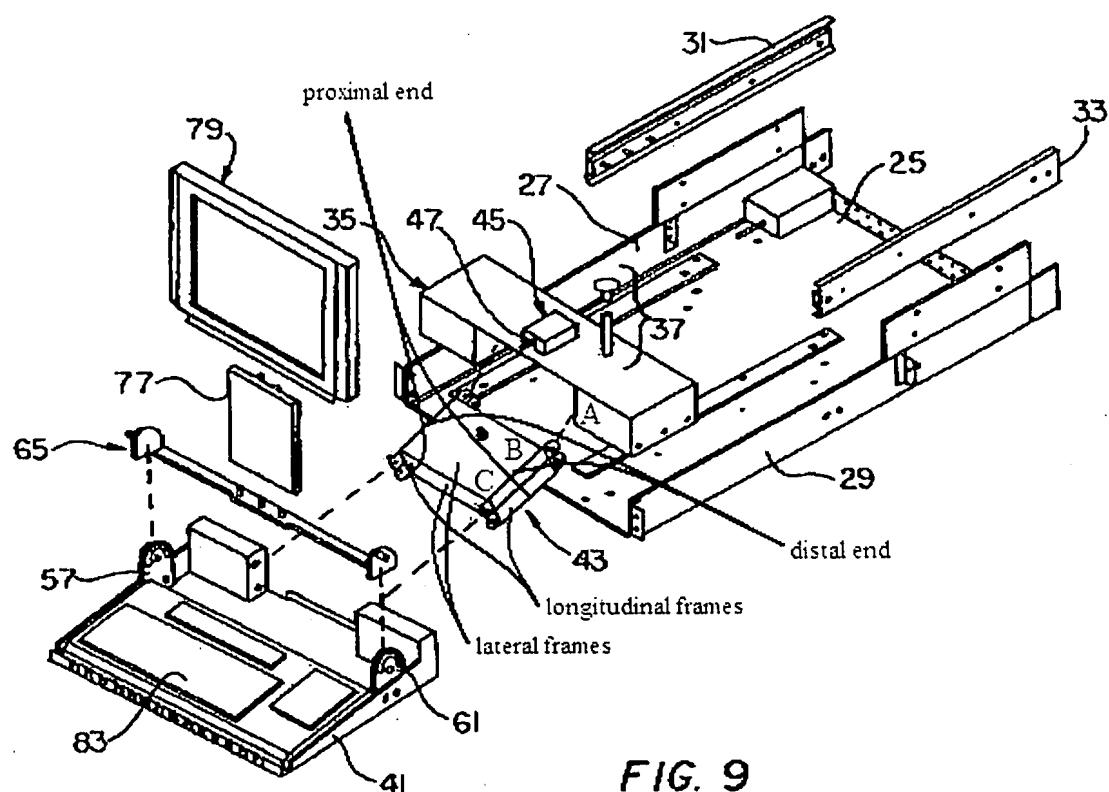


FIG. 9

Moore '690 Figure 9

Art Unit: 3637

Claim Limitation	Appellant's Reference Number [Specification page number]	Prior Art Reference Number (see Moore, US Patent Number 6201690)
Bracket	30 [6]	23
Cabinet	11 [6]	13
First frame	31 [6]	35
Wheels	At 151, 152 [7]	Taught by Gill
Lubricious material	At 151, 152 [7]	Taught by Krivec
Second frame	35 [6]	43
Longitudinal frames	3111,3112,3511,3512 [6]	Sides of 43
Lateral frames	3121,3122,3521,3522 [6]	Upper and lower portions of 43
Friction hinge	At 38, 39 [6,8]	Taught by Ku
Keyboard holder	At 23	41
Keyboard	23 [6]	83
Display holder	At 25	77
Display	25 [6]	79

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

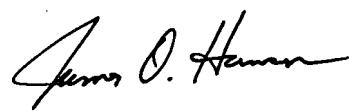
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Philip Gabler 

Conferees:

Lanna Mai 
Meredith Petrvick 



JAMES O. HANSEN
PRIMARY EXAMINER